

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
GISELLE SUSCA,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,  
Defendant.

ANALISA TORRES, District Judge:

USDC SDNY  
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20 Civ. 9592 (AT) (VF)

**ORDER ADOPTING  
REPORT AND  
RECOMMENDATION**

On November 15, 2020, Plaintiff, Giselle Susca, filed this action pursuant to 42 U.S.C. § 405(g) challenging the final decision of Defendant, Commissioner of Social Security, to deny her disability insurance benefits. ECF No. 1. Judge Alison J. Nathan referred the case to the magistrate judge on December 8, 2020. ECF No. 7. On June 9, 2021, the parties stipulated to reverse the Commissioner's decision and remand the action for further administrative proceedings. ECF No. 18; *see* ECF No. 19. On September 5, 2023, Plaintiff's counsel moved for attorney's fees pursuant to 42 U.S.C. § 406(b). ECF No. 25. The Court referred the motion to Magistrate Judge Valerie Figueredo. ECF No. 30.

After careful consideration, Judge Figueredo issued a Report and Recommendation (the "R&R") proposing that the motion be granted but that the fee award be reduced to \$10,800. R&R at 10, ECF No. 31. Judge Figueredo further recommended that "any such award should be paid out of Plaintiff's past-due benefits, and upon receipt of this sum, Chermol & Fishman should refund the previously awarded EAJA fees of \$2,235.00 to Plaintiff." *Id.* Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *See id.*; Fed. R. Civ. P. 72(b)(2). When no objection is made, the Court reviews the R&R for clear error. *Santiago v. Colvin*, 12 Civ. 7052, 2014 WL 1092967, at \*1 (S.D.N.Y. Mar. 17, 2014). The Court finds no clear error in Judge Figueredo's thorough and well-reasoned R&R.

Accordingly, the Court ADOPTS Judge Figueredo's R&R in its entirety. The Clerk of Court is directed to enter judgment consistent with this order and the R&R.

SO ORDERED.

Dated: August 22, 2024  
New York, New York



ANALISA TORRES  
United States District Judge